

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CONVERGEN ENERGY LLC, L'ANSE
WARDEN ELECTRIC COMPANY, LLC,
EUROENERGY BIOGAS LATVIA
LIMITED, and LIBRA CAPITAL US,
INC.

Plaintiffs,

v.

STEVEN J. BROOKS, NIAN TICVISTA
ENERGY LLC, GREGORY MERLE,
RIVERVIEW ENERGY CORPORATION,
DANIEL ESCANDON GARCIA,
RAMON URIARTE INCHAUSTI,
CHIPPER INVESTMENT SCR, SA,
URINCHA SL, THEODORE JOHN
HANSEN, BRIAN R. MIKKELSON, and
CONVERGEN ENERGY WI, LLC.,

Defendants.

Case No. 1:20-cv-03746(LJL)

**DECLARATION OF VINCENT
FILARDO JR., ESQ.,
IN FURTHER SUPPORT OF THE
SPANISH DEFENDANTS'
MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION AND
FAILURE TO STATE A CLAIM**

I, **VINCENT FILARDO JR.**, the undersigned, hereby declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in New York State and admitted to practice before this Court. I am a Partner in King & Wood Mallesons LLP ("KWM"), counsel to defendants Daniel Escandón Garcia, Ramón Uriarte Inchausti, Chipper Invest SCR, SA, and Urincha SL (collectively, the "Spanish Defendants") in the above-captioned action. I respectfully submit this declaration in further support of the Spanish Defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) and (6) for Lack of Personal Jurisdiction and Failure

to State a Claim, respectively. I am fully familiar with, and have personal knowledge of, the facts and circumstances set forth herein.

2. On June 24, 2020 Defendants Steven J. Brooks (“Brooks”), NianticVista Energy, LLC (“Niantic”), Gregory Merle (“Merle”), and Riverview Energy Corporation (“Riverview,” and together with Brooks, Niantic, and Merle “Defendants”), responded to Plaintiffs’ First Set of Interrogatories. D.E. 148-4.

3. On September 9, 2020, Defendants served Amended Responses to Plaintiffs’ First Set of Amended Interrogatories, **attached hereto as Exhibit A**, affirming that:

Defendants do not have personal knowledge of Chipper’s ownership structure, and have learned information subsequent to their June 24 Responses revealing that their beliefs concerning Daniel Escandon Garcia’s and Ramon Uriarte Inchausti’s status, as indicated in those June 24 Responses, were incorrect. *See* Ex. A at 2.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of September 2020, in New York, New York

/s/ Vincent Filardo Jr.
VINCENT FILARDO, JR.